

Adopted	Rejected
---------	----------

## COMMITTEE REPORT

YES:	9
NO:	0

### MR. SPEAKER:

*Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 62, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedures.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 35-40-6-4, AS ADDED BY P.L.139-1999,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2003]: Sec. 4. (a) **As used in this section, "identifying**
- 8 **information" has the meaning set forth in IC 35-43-5-1.**
- 9 (b) A prosecuting attorney or a victim assistance program shall do
- 10 the following:
- 11 (1) Inform a victim that the victim may be present at all public
- 12 stages of the criminal justice process to the extent that:
- 13 (A) the victim's presence and statements do not interfere with
- 14 a defendant's constitutional rights; and

- 1 (B) there has not been a court order restricting, limiting, or  
2 prohibiting attendance at the criminal proceedings.
- 3 (2) Timely notify a victim of all criminal justice hearings and  
4 proceedings that are scheduled for a criminal matter in which the  
5 victim was involved.
- 6 (3) Promptly notify a victim when a criminal court proceeding has  
7 been rescheduled or canceled.
- 8 (4) Obtain an interpreter or translator, if necessary, to advise a  
9 victim of the rights granted to a victim under the law.
- 10 (5) Coordinate efforts of local law enforcement agencies that are  
11 designed to promptly inform a victim after an offense occurs of  
12 the availability of, and the application process for, community  
13 services for victims and the families of victims, including  
14 information concerning services such as the following:
- 15 (A) Victim compensation funds.
- 16 (B) Victim assistance resources.
- 17 (C) Legal resources.
- 18 (D) Mental health services.
- 19 (E) Social services.
- 20 (F) Health resources.
- 21 (G) Rehabilitative services.
- 22 (H) Financial assistance services.
- 23 (I) Crisis intervention services.
- 24 (J) Transportation and child care services to promote the  
25 participation of a victim or a member of the victim's  
26 immediate family in the criminal proceedings.
- 27 (6) Inform the victim that the court may order a defendant  
28 convicted of the offense involving the victim to pay restitution to  
29 the victim under IC 35-50-5-3.
- 30 (7) Upon request of the victim, inform the victim of the terms and  
31 conditions of release of the person accused of committing a crime  
32 against the victim.
- 33 (8) Upon request of the victim, give the victim notice of the  
34 criminal offense for which:
- 35 (A) the defendant accused of committing the offense against  
36 the victim was convicted or acquitted; or
- 37 (B) the charges were dismissed against the defendant accused  
38 of committing the offense against the victim.

- 1 (9) In a county having a victim-offender reconciliation program  
2 (VORP), provide an opportunity for a victim, if the accused  
3 person or the offender agrees, to:  
4 (A) meet with the accused person or the offender in a safe,  
5 controlled environment;  
6 (B) give to the accused person or the offender, either orally or  
7 in writing, a summary of the financial, emotional, and physical  
8 effects of the offense on the victim and the victim's family; and  
9 (C) negotiate a restitution agreement to be submitted to the  
10 sentencing court for damages incurred by the victim as a result  
11 of the offense.  
12 (10) Assist a victim in preparing verified documentation  
13 necessary to obtain a restitution order under IC 35-50-5-3.  
14 (11) Advise a victim of other rights granted to a victim under the  
15 law.  
16 **(c) Except as provided in subsection (d), a prosecutor shall not**  
17 **disclose victim identifying information during discovery and other**  
18 **proceedings.**  
19 **(d) For good cause shown, the court may order the disclosure of**  
20 **victim identifying information. The court may impose reasonable**  
21 **restrictions on the disclosure of victim identifying information,**  
22 **including a requirement that the identifying information not be**  
23 **disclosed to the defendant.**

(Reference is to SB 62 as printed January 17, 2003.)

**and when so amended that said bill do pass.**

---

Representative Pelath